

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5468**

1. Opening of Meeting:

The Appeals Board convened at 10:30, April 11, 2006 in Sacramento, with Vice Chair Ann M. Richardson presiding.

2. Roll Call: <u>Members</u>	<u>Present</u>	<u>Absent</u>
Ann Richardson, Vice Chair	x	
Virginia Strom-Martin	x	
Jack Cox	x	
Don Novey	x	

3. Approval of the Minutes:

The March 14, 2006 minutes were approved by all members.

4. Board Member Reports:

Vice Chair Richardson asked the other Board members for their position on scheduling the remainder of the board meetings for the current year in Sacramento.

Board Member Strom-Martin commented that she has an ongoing concern about holding all board meetings in Sacramento. She stated that from a purely personal perspective it is much easier for her not to travel, but she also felt that the benefits of getting out into the field far outweigh her inconvenience. She went on to say that the efforts of the Agency's field staff are very much appreciated, and they need to know this, and also know that we are not just sitting in Sacramento in our ivory tower without doing any out-reach. It matters very much to her what the folks out there think about the Board and its members.

Vice Chair Richardson responded by saying everyone in all of the field offices have already met the current Board, and that if we get a new board member or a new chair, then the chair will have an opportunity to reevaluate the board meeting schedule. She also stated that it is too much of an expense to take an entire crew from Sacramento given the fact that no public member has ever presented him/herself, or asked a question at any board meeting. In addition, any board member can go into the field anytime so desired by that member. Finally, Vice Chair Richardson suggested that they just change one out-of-town meeting for now, and revisit the issue with regard to other meetings at a later date. Board Member Strom-Martin thanked Vice Chair Richardson for her consideration.

Board Member Strom-Martin reported on a very well-written decision she had read from the field, commenting the ALJ went above and beyond the call of duty, and she wanted to give kudos to her. The decision had to do with training benefits, which is a frustrating issue to begin with, but this particular ALJ took the time to examine the whole process and then referred the case back to EDD to determine if the literature that is out there for claimants is current and up to date and consistent with what the law says. The ALJ's name is L.R. Bytof, out of the Oakland office.

Executive Director/Chief Administrative Law Judge Jay Arcellana stated he would send the ALJ a letter of commendation.

Board Member Strom-Martin asked Vice Chair Richardson if she had had the opportunity to meet with the Agency Secretary. Vice Chair Richardson advised that she had, and they discussed an incident which had taken place in the Oakland office building. There was no news about a new chair for the Board.

Finally, Vice Chair Richardson asked Executive Director/Chief Administrative Law Judge Jay Arcellana if he would provide the rest of the board members with information about the National board meeting in San Diego. He replied that he would do so.

5. Chief Administrative Law Judge/Executive Director's Report:

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that last week he attended a meeting with the Orange County Office managers, the Presiding Judge and the supervisors. The workload is under control, moral is good and staffing levels are where they should be. They have also made the transition to digital recordings.

Next, Executive Director/Chief Administrative Law Judge Jay Arcellana reported that pursuant to a recent budget letter from the Department of Finance, the CUIAB is now required to encrypt all portable devices, and an encryption committee has been formed to implement this directive. The first task will simply be to determine what information needs to be encrypted; the second task will be to determine how to encrypt the devices. A response to DOF is due by August 1. The actual encryption will entail some monetary costs not planned for, so those costs will need to be carefully monitored.

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that Bob Dresser from the Labor Agency met with him, Ralph Hilton and Tim McArdle to discuss work load, staffing and budget issues. The meeting went very well and was productive.

Executive Director/Chief Administrative Law Judge Jay Arcellana went on to report that he had a statewide conference call with all of the PJs, supervisors and managers. Staff was curious about the next chair, and they were supportive and understanding about going through another transition.

On March 27th in Los Angeles the office was closed because protesters surrounded the building concerning the immigration legislation, and the state police had to be called in. The staff was escorted out of the building, and some of the afternoon hearings had to be rescheduled.

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that the California School advisory group met this past week in Palm Springs. PJs Tim McArdle and Zaida Hackett discussed reasonable assurance, and conducted a panel on how not to lose your appeal. The presentation was received favorably. This is a group comprised of school administrators who work with Unemployment Insurance, and they welcome our presentation every year.

Training dates have been set for Regional training: April 24th in San Diego; April 25th in Inland; April 26th in Los Angeles, and that evening there will be a retirement party for one of the CUIAB's long term judges, Paul Wyler; April 27th in Pasadena; May 2nd in Fresno; May 3rd in Sacramento; and May 4th in Oakland. The topics include reading and interpreting medical records and reports, writing IME decisions for DI cases, how to handle documents at hearings, an ongoing concern for QR, and how to handle false statements in job applications. The staff has been working very hard on the training sessions, and the presentations should be top notch.

Board member Strom-Martin inquired if this was a one day training session, which Executive Director/Chief Administrative Law Judge Jay Arcellana affirmed. Executive Director/Chief Administrative Law Judge Jay Arcellana stated he would send a notice to the Board Members to remind them of the dates in the event they would like to attend.

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that Steve Angelides received a request from the Department of Social Services to help put together a training package for their ALJs for their annual judicial conference in May in Monterey.

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that the CUIAB has received a request from Agency to share space with ALRB in Visalia. The ARLB had a facility in Visalia but lost it due to ADA considerations. We offered the use of some hearing rooms, but apparently it wasn't enough space for them so they are now looking for their own property. We are, however, willing to assist them should the need arise again. It is always a positive thing when we are able to work with other agencies.

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that before former Chair Joan M. Borucki left, the two of them discussed and agreed on what out-of-state trips for the next fiscal year would be submitted to Agency. Those trips include trips for the Board of Governors meeting, a trip to Washington for Quality Review, a trip to Maryland for the National Conference, NJC trips to Reno for judges and Board Members who may be interested, a trip to either Washington or Texas to deal automation projects, and a trip to Washington to deal with case

aging. Executive Director/Chief Administrative Law Judge Jay Arcellana stated he would let the Board know when Agency gets back to us on this.

6. Branch Reports:

- a. Executive Director/Chief Administrative Law Judge Arcellana reported on the workload, noting a very large increase in March. There were 4000 more cases verified in March than February, a 23% increase. Dispositions increased by 8% over February. To keep this in perspective though, Executive Director/Chief Administrative Law Judge Jay Arcellana stated that February had four less work days than March because of holidays. Still, this may be a positive sign that the workload is getting back to normal.

Executive Director/Chief Administrative Law Judge Jay Arcellana stated that later in the meeting Mary Walton-Simons would be giving a presentation on Budget Advisory Committee activities, but wanted to mention that the pay raise negotiated by the judges union has cleared the Senate and is headed to the Assembly sometime after April 17th when the Legislature returns. Assuming it is approved, the impact to the Appeals Board will be to increase our outlay by about \$1.2 million. This was not a known cost factor at the time our budget was initially constructed, so some significant adjustments will need to be made so that we don't overspend our authority.

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that he just received Labor Agency's response to our request for the National Conference in San Diego. They have approved attendance for 19 judges and 26 other employees, for a total of 45 attendees. We had initially asked approval for 65 attendees, so the 45 is a reasonable compromise. Their willingness to work with us was also very helpful.

Executive Director/Chief Administrative Law Judge Jay Arcellana reported on an incident that took place last month in the Oakland office building. Initially, Executive Director/Chief Administrative Law Judge Jay Arcellana had been informed that the incident involved one of our hearing rooms and one of our judges, which he passed along to the Vice Chair, who reported it to the Labor Secretary. As it turns out the information was wrong. There was an incident in the state building, but it took place in a WCAB hearing room. An applicant came in with a gun, but the judge and the attorneys in the hearing room convinced him to leave. The claimant's roommate knew the claimant had a gun and called the police and told them he was going to the state building. Fortunately he was arrested after the fact, but as a result of this incident the employees working in that state building are very concerned, and DGS has scheduled a meeting on April 17th for all employees to discuss violence in the workplace. Senator Perata's office has scheduled a meeting on April 18th to meet with all the managers for the departments within the State Building to discuss security concerns. We had similar incidents in the LA building, with the result that General Services installed a metal detector at the entrance.

Finally, Executive Director/Chief Administrative Law Judge Jay Arcellana reported that Margaret Ellison, Presiding Judge over Field Operations Head Quarters passed away on April 4, 2006 after a long battle with cancer. Her services will be this Friday, April 14th at 2 p.m. She will be missed. She was a wonderful person and a terrific Presiding Judge.

Vice Chair Richardson inquired about what our problems are with exhibits in QR scores. Executive Director/Chief Administrative Law Judge Jay Arcellana responded that there are certain very specific procedures to be followed when an exhibit is offered into evidence, but if an exhibit is offered out of the normal sequence of events, sometimes those procedures can get lost in the mix of the hearing.

Vice Chair Richardson asked if the judges typically ask for the exhibits at the beginning of the hearing, to which Executive Director/Chief Administrative Law Judge Jay Arcellana responded that is the general practice, although some judges do it differently, particularly given the press of time attendant that frequently occurs.

Board Member Novey stated that he had been informed that the legislation regarding the pay raise for the ALJs would definitely make it through and inquired how the PJs respond when they don't see any pay increase for themselves. Executive Director/Chief Administrative Law Judge Jay Arcellana responded that it is a problem because they will be making less money than the people they supervise. It is also a problem because the pay raise will be retroactive, and all the rank and file judges will receive payment in one lump sum. There is without question a recruitment and retention issue at the PJ level, and the Personnel has recently completed an in-depth study on the issue. In the last PJ exam only 12 out of 250 eligible judges applied to take the exam. Over the last few years, at least 9 PJs have voluntarily stepped aside. When the rank and file ALJs received their last pay raise, we were able to negotiate with DPA to obtain a pay differential that enabled our PJs to stay at a level of pay above that of the ALJs they supervised. Our Personnel Section is recommending we meet with DPA to seek an increase in that amount so that our PJs don't fall behind the rank and file ALJs. Of course, this would first require Agency approval. Since this differential is unique to the CUIAB, there should not be any impact on other departments, a common concern for DPA.

Board Member Novey inquired if we could do that administratively, to which Executive Director/Chief Administrative Law Judge Jay Arcellana responded that it could be done so in conjunction with DPA, but we would still need to have Agency's approval first.

Board Member Novey suggested that the Vice Chair send a letter to the Agency Secretary requesting her cooperation. He went on to state that this is an important issue because we need to maintain the supervisory class or people won't step up to the plate anymore.

Vice Chair Richardson inquired as to whether the term PJ used here refers to the PJs in the field offices or to all of the PJs the agency currently employs. Executive Director/Chief Administrative Law Judge Jay Arcellana responded that every field office has a PJ, and then there are other PJs who perform specialty work that includes management responsibility over workload, training and UI, DI & tax.

Board Member Strom-Martin inquired if the PJs are a part of the Union, to which Executive Director/Chief Administrative Law Judge Jay Arcellana responded that they are not, because they are managers.

Board Member Novey added that they can be members of the Union but are not a beneficiary of the negotiations.

Board Member Strom-Martin commented that ultimately everyone who becomes a PJ is a former ALJ, and thus a member of the Union, with which Executive Director/Chief Administrative Law Judge Jay Arcellana agreed.

- b. Deputy Chief ALJ, Appellate Operations Steve Angelides reported that in both 2004 and 2005 registrations jumped about 700 cases from February to March, and exactly the same thing happened again this year. In February AO registered 964 cases, and in March AO registered 1,684 cases, which is the highest number of registrations since March of 2005, when AO registered 1,998 cases. If the pattern of the past two years holds, we can expect to see a modest but not a dramatic decline in registrations from March to April. This means AO should have plenty of work in May and June.

As to ALJ resources available to handle this workload, Deputy Chief ALJ Angelides reported three ALJ retirements at the end of 2005; countering that was one ALJ, Bill Purcell, on long term loan from the field, and three ALJ retirees who worked in January, February, and March an average of about half time each: Mike Canar, Bill Brown, and Linda Shepard. As a result AO managed to make a little headway, reducing its balance of open cases from 2,414 at the end of December, 2005, to 2,282 at the end of March, 2006, which is 93% of the fiscal year average. In March AO disposed of 1,805 cases, which is the highest number of dispositions since March 2005.

Deputy Chief ALJ Angelides also reported that as a result of AO's disposition of a large number of old cases, and the registration of a large number of new cases, case aging numbers in March dropped to the lowest level since August 2005. The average unemployment insurance case age in March was 38 days, and the median unemployment insurance case age was 35 days.

However, AO's use of retirees has essentially stopped for the time being. Due to the declining workload in the field, AO is not currently using retirees Bill Brown and Linda Shepard. Retired ALJ Mike Canar is currently unavailable for new assignments because he is in Omaha with his ill sister and mother. And as previously mentioned, retired ALJ Tamara Pierson has been unavailable to

work since she retired because she has been with her son who suffered a serious automobile accident in Arizona shortly after she retired, and was in a coma for several weeks. Tamara is now with her son in Colorado where he is undergoing intensive rehabilitation, and making excellent progress.

Deputy Chief ALJ Angelides reported that a number of AO ALJs are taking long vacations to keep their vacation at the required levels, and one ALJ will be out for at least 6 weeks for medical reasons.

As a result of the unavailability of retired ALJs and the vacation and sick leave usage by the regular ALJs, AO is going to need some additional help to take care of the May and June workload. Therefore, ALJs from field offices with a relatively low workload will receive training to provide assistance in AO. In May training will be given to ALJ Betsy Temple from Field Operations Headquarters (FOHQ) and ALJ Carol Larsen from Oakland. AO ALJ Nancy Kirk has kindly agreed to handle this training.

Deputy Chief ALJ Angelides reported in other news that the digital recording rollout is continuing to go well. In March digital recording was deployed in Sacramento, Field Operations Headquarters, the Tax Unit, and Orange County.

Lastly, on March 21 AO ALJ Ernie Schulzke's retirement was celebrated with a well-attended and heartfelt luncheon. ALJ Mike Canar's retirement party has been postponed because he is in Omaha. And finally, the next AO ALJ meeting will be on May 10 at 9:30, and will feature a training session on due process by ALJ Susana Halfon.

- c. Deputy Director, Administrative Services Branch Pam Boston reported that for the month of March there were two promotions: an ALJ was promoted to ALJ II in the San Jose office, and one ALJ retired in Los Angeles.

Deputy Director Boston also reported that Kathy Carel, Personnel Services Unit, was promoted to Staff Services Manager I effective in April, and she has replaced Al Ramirez who retired at the end of last year. Virginia Perry, a typist within the Sacramento Office of Appeals, was promoted to personnel specialist.

Deputy Director Boston further reported that the State Disability Insurance program went into effect for Units one and four on April 1, 2006. The SDI program replaces the NDI program with some fairly significant changes. SDI is for 52 weeks with a seven day waiting period, whereas NDI was 26 weeks with a ten day waiting period. SDI program replaces 50%-60% of weekly earnings based on a 12 month period, much higher than NDI.

Deputy Director Boston also reported that IT has completed the installation of the digital recording in six of the field offices, and hopes to have all of the field offices completed by the end of June.

Lastly, Deputy Director Boston reported that the MOU expired for Units 1 and 4 in June of 2005. SEIU is planning to meet at the end of April with DPA to continue negotiations. Under the Dills act most of the terms of an MOU continue after expiration as long as all of the parties are continuing to bargain. We recently received notice that SEIU has been engaging in various public activities to promote their agenda at the bargaining table, claiming that the Administration is not bargaining in good faith. On March 28th, SEIU sent out a statewide e-mail stating that their governing counsel voted to authorize a statewide strike, and this announcement has been circulated through some CUIAB offices. The current MOU has a no strike clause so by law, they can't strike. However, in response to these activities DPA is strongly encouraging departments to update their strike contingency plans. Mary Shaw, CUIAB's Labor Relations Specialist, is primarily responsible for our strike contingency plan.

Board Member Strom-Martin commended Deputy Director Boston and her team for being pre-emptive and planning ahead.

- d. Deputy Director, Planning and Program Management Branch Mary Walton-Simons reported that the Hearing Information Pamphlet Committee met on March 20th & 21st and have finalized the language. They have kept it at a sixth grade reading level and have also been in contact with the EDD Document Management Group. They have incorporated a larger font and some color shading to highlight certain areas. The format is a question-answer format. The next level is the legal contact review, and so this project is very close to completion.

Deputy Director Walton-Simons also reported that the PPM staff prepared the materials and mailed 550 packets nationwide to the NAUIAB association, relating to registration and agenda information about the upcoming USDOL/NAUIAB triennial conference. The recipients included administrative support staff nationwide since the triennial conference includes USDOL workshops designed for them. The administrative support workshops include:

- ◆ Pros/Cons of Centralizing Registrations and Calendaring and Decisions
- ◆ Form Decisions – Standard Paragraphs – Automate & Expedite the release of decisions
- ◆ Customer Surveys
- ◆ Digital Recording of Hearings – Impact to Staff
- ◆ Disaster Management Administration – Issues for Support Staff
- ◆ Confidential Information – what can be released at the reception point
- ◆ Communication Between Hearing Officers and Support Staff

Deputy Director Walton-Simons reported that the PPM software trainers and two PPM managers provided the digital recording software training to the ALJs and Support Staff in the Sacramento Office of Appeals on March 7-8, and in the Orange County Office of Appeals on March 28-29. The PPM Branch continues to prepare new manuals for ALJs as revisions are made to the technology.

Lastly, Deputy Director Walton-Simons reported the Budget Officer in the PPM Branch, Renee Erwin, moderated the Budget Advisory Committee which met on March 28-29, for the start of discussions on the OE&E and PY 06/07 call letter requests. Representatives from all branches attend the BAC meetings.

Board Member Novey asked what happens if an unexpected expense comes up after the May revise, and who decides what gets purchased and whether there is a priority list.

Deputy Director Walton-Simons responded that unexpected expenses frequently arise after the budget has been passed in July. In such cases the Budget Advisory Committee (BAC) reviews, assesses, and prioritizes the cost items and makes recommendations to the Executive Director.

Board Member Strom-Martin asked about the triennial conference. Deputy Director Walton-Simons responded that the National Unemployment Insurance Appeals Board holds a conference every year, but every three years they get together with the U.S. Department of Labor and combine their funds and resources to put on the triennial conference. In Washington DC there are several appeals coordinators who contact each state and each regional director to encourage each state to send their legal support staff to these conferences.

Board Member Strom-Martin asked if there is a limit as to who we can send. Deputy Director Walton-Simons responded that a state may send whomever they wish based upon their state's needs and resources. California hosted the triennial in San Francisco in the year 2000, with both the PJs and LSSs in attendance.

Board Member Strom-Martin commented that any conference, annual or triennial, is very important because it allows people to connect and network and put things into perspective, and inquired as to whether California is sending the usual number of folks that we normally send.

Executive Director/Chief Administrative Law Judge Jay Arcellana responded by explaining that in the past, when the conference is out of state, California sends 10-12 people, the majority of whom have paid their own way. It's a different situation when the conference is located in California, since we are the host state, the costs are lower, and no out-of-state travel is required. Given those considerations for the upcoming NAUIAB conference, we requested Agency's approval for 61 attendees, which included the infrastructure people who are actually working at the conference as panel members or to provide staff support, as well as our PJs and support supervisors. Agency approved all but the supervisors, resulting in a reduction of attendees down from 61 to 45. As a result, the local supervisors have decided to just commute at their own expense.

Vice Chair Richardson stated she hadn't understood that from Executive Director/Chief Administrative Law Judge Jay Arcellana's earlier report. She went on to inquire if they had given us 45 attendees, and then designated which ones they ought to be.

Executive Director/Chief Administrative Law Judge Jay Arcellana responded, in effect, yes, although it may be open to interpretation. The approval document lists 19 PJs and 26 executives, and the latter group is composed of Board Members, managers and conference workers.

Vice Chair Richardson asked if the request specifically denied the supervisors, to which Executive Director/Chief Administrative Law Judge Jay Arcellana responded that it didn't specifically deny them, but it did specifically permit who could go. The request and approval said 19 PJs and 26 managers or conference workers.

Vice Chair Richardson stated she guessed a manager was not a supervisor, and both Board Member Novey and Executive Director/Chief Administrative Law Judge Jay Arcellana agreed there is a clear distinction.

Board Member Strom-Martin stated that since this is a triennial conference and there are so many important events that go along with such a conference, it is more important than ever to send as many as we possibly can, and because California is the host state, there would not be a huge cost associated with attendance.

Board Member Cox inquired if there is an appeal process to the order.

Executive Director/Chief Administrative Law Judge Jay Arcellana there is nothing formal, but what we could do is sit down with the Agency staff to work something out.

Vice Chair Richardson asked if the prior Chair had made a recommendation to Agency regarding attendance, and whether Executive Director/Chief Administrative Law Judge Jay Arcellana had participated in that process.

Executive Director/Chief Administrative Law Judge Jay Arcellana responded that he had participated, that several options were presented to Agency, but the prior Chair personally recommended an option that did not include the support supervisors, which is the option approved. Executive Director/Chief Administrative Law Judge Jay Arcellana stated that he had a copy of the document and he would copy it and distribute it to all of the Board Members.

Board Member Strom-Martin stated that she thought the Board should revisit the Board's recommendation to the Agency now that the Chair has left. Vice Chair Richardson stated that she thought the issue needed to be looked at before the Board makes a recommendation. Executive Director/Chief Administrative Law Judge Jay Arcellana stated he would discuss this with the

Agency staff to see if there was any flex on the matter. Board Member Strom-Martin stated that she felt very strongly that since this is the triennial conference and since it is in California we should take advantage of it.

Vice Chair Richardson stated that these kind of issues are very important and should be brought to the attention of the entire Board in advance, rather than just being dealt with between the Executive Director and the Chair.

Board Member Novey stated that at the time this letter went out, Joan had just found out she was leaving and so the letter was prepared very quickly in order to get it over to Agency.

Executive Director/Chief Administrative Law Judge Jay Arcellana commented that to be fair to the prior Chair, her perspective on the issue was that as long as the PJs all attended, they would be able to bring the information back to the supervisors. The problem is that there are two separate panels, one for the PJs and one for the supervisors. Board Member Novey is correct in that the prior Chair had just received a new appointment and she was trying to work with Agency to resolve this issue. Vice Chair Richardson is also correct in that the Executive Director has traditionally worked with the Chair, who then works as necessary with her colleagues on the Board. Vice Chair Richardson recommendation for more inclusion of other Board members in the process is well-taken.

7. Chief Counsel's Report:

Chief Counsel Ralph Hilton referenced the workload and litigation reports in the Board Member packets. Each Board Member had over 500 cases last month, and he doesn't expect it to go down since there are now four members instead of five.

On the litigation front, Chief Counsel Ralph Hilton reported that the CUIAB received 7 new cases last month. Two cases were closed, one of them affirming the Board and the other reversing the Board. In the latter case the superior court looked at the facts and just saw a different causation as to why the individual left work, and considered that causation to be good cause.

Lastly, Chief Counsel Ralph Hilton reported that the Governor issued Executive Order S-03-06, relating to the Public Records Act. The order requires all state agencies to review their current PRA policy, and to make any necessary revisions to ensure compliance with the Act within 30 days. Each agency must then certify to the Governors Legal Affairs Secretary its full compliance with the Act, including a representation that PRA guidelines have been posted in each office, and all PRA contacts personnel have received the appropriate training.

Vice Chair Richardson asked if there was anyone taking the lead on this task.

Chief Counsel Ralph Hilton responded that the Agency has already held a meeting, and provided a template for agencies to follow.

Vice Chair Richardson then stated that she believed there is currently another bill going through the Assembly that is trying to mirror the Freedom of Information act and inquired if we were tracking it.

Chief Counsel Ralph Hilton responded that we are tracking that bill, and that to his knowledge the primary change would be in the manner charges are made for copies of documents.

Vice Chair Richardson inquired if reimbursements are made at the Federal level.

Chief Counsel Ralph Hilton responded that under certain circumstances copies are free of charge. He went on to say that the CUIAB does not receive very many requests for public records, that most requests are from parties asking for copies of their own records, for which we do not charge. Most PRA requests tend to be from law firms, and he handles those requests personally.

8. Unfinished & New Business:

Chief Counsel Ralph Hilton stated that the first item listed on the agenda under unfinished and new business has been deferred.

Deputy Director, Planning and Program Management Branch Mary Walton-Simons presented the second item listed, relating to upward mobility.

The CUIAB has had an upward mobility plan and committee for two years. The committee is recommending revision of the upward mobility plan with regard to tuition and book reimbursement, and also in regard to release time. In order to do so, the Board's training policy should be revised.

The first change would be to increase the amount of tuition and book reimbursement from \$200 to \$500. The original language is from 1988, and in recognition of inflation it should be increased. The other change would require employees attending school under the policy to do so on their own time, rather than on State time, a management discretionary item under the existing policy. The latter change, however, would require us to meet and confer with the union. Because of that, the upward mobility committee at this time will probably live within the language of the training policy since it does say "may" instead of "must". At this time there are 10 people accepted into the upward mobility plan, although only one of them is currently enrolled in school.

Board Member Novey inquired if anybody within the CUIAB could apply to be in the upward mobility program, to which Deputy Director Walton-Simons responded that it is actually for employees who are in low paying positions, after they have completed the required documents. After they are given the documents to complete, many of them lose interest completely.

Vice Chair Richardson asked if the classes the participants take have to be related to the upward classification they are trying to get into.

Deputy Director Walton-Simons responded yes, the employee will designate the classification they want to take the exam for and then take classes from a designated list. If they complete and pass those classes, they will be ready and eligible to take the exam. There is no promise of a position, just exam eligibility.

Vice Chair Richardson inquired if the employee has to front the cost for tuition and books and Deputy Director Walton-Simons responded yes, and that reimbursement occurs after they have completed and passed their classes.

9. Public Comment:

10. There was no public comment.

11. Closed Session:

The regularly scheduled Board meeting adjourned, and the Board went into closed session. No votes were taken in closed session.